

SEISMIC SAFETY COMMISSION

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March 7, 2002

Memorandum

To: Commissioners

From: Henry Sepulveda
Director of Legislation

Subj: Legislative Report

This memorandum addresses legislative issues and decision-points pending before the Commission. The 2001-02 Legislative session resumed on January 7. At the March meeting, the Commission will discuss positions on several new bills as well as review positions from last year on bills that are still being considered by the Legislature.

Proposals for New Legislation Sponsored by the Commission

At the February meeting, the Commission decided to sponsor two new bills in 2002:

- An urban search and rescue bill (which was introduced by Assemblywoman Alquist); and
- A bill on earthquake preparedness for K-12 schools (Assemblywoman Corbett decided not to introduce this measure.).

Commission's Current Legislative Package

AB 977 (Alquist) proposes full, ongoing funding for the Commission's Earthquake Emergency Investigations Account. The bill is on the Suspense File of the Senate Appropriations Committee.

- **Commission staff and Assemblywoman Alquist's staff will proceed with this bill. We have met with the Governor's Office on this bill. The bill is scheduled to be heard by the Senate Appropriations Committee in June or August 2002.**

SB 717 (Speier) authorizes the issuance of \$600 million in state bonds to finance seismic retrofits of residential housing and local

government buildings. It was approved by the full Senate and is on the Suspense File in the Assembly Appropriations Committee.

- **The staff and Senator Speier's office are proceeding with this bill in its current version. The bill is expected to be heard by the Assembly Appropriations Committee in summer 2002.**

AB 2002 (Alquist) directs OES to form an advisory group in 2003 consisting of USAR representatives and State emergency officials. The advisory group would collaborate to identify the needs of California's USAR teams and funding strategies to finance that need.

- This bill was introduced on February 22 by Assemblywoman Alquist. It will be assigned committee within 30 days.

Legislative Tracking Report

--Attached is the Commission's current Legislative Tracking Report for the 2001-02 Session (see Exhibit A). The Report includes the bill number, subject, author, committee location, analysis, and current Commission position or staff recommendation. The Commission has taken positions on some of these bills; however, a few of the bills have been amended since the Commission last took its position and, therefore, need to be re-visited.

Other bills are presented here for the first time. Each of these measures has been reviewed by staff and is presented with staff recommendations.

SB 27

(McPherson/Burton)

Description: Requires OES to develop terrorism and bio-terrorism training curriculum for local agency “first responders.” Creation of a network of statewide trainers to be completed by June 30, 2002

Analysis: Except for differing deadlines and an urgency clause, the provisions in this bill are identical to SB 1350 (same authors). Neither bill includes an appropriation. The subject matter –training for emergency personnel-- is similar to the purpose of the Commission’s bill (AB 2002) and is supported by the Emergency Response Initiatives in the CELRP (10.2 & 10.3)

Status: Pending before Assembly Govt. Organization Comm.

Staff Recommendation: Support.

SB 332 (Sher)

Description: Specifies building guidelines that apply to structures constructed of baled rice straw, subject to specific findings made by the local building agencies.

Analysis: This bill was approved by both the Senate and Assembly in 2001. However, before being signed by the Governor, the bill was recalled by the Senate for further consideration. The Governor requested the Commission participate in a multi-agency review of the bill. The Commission opted to remain neutral on this bill.

Status: Senate Desk. The author’s office indicated that Senator Sher may be taking up the bill later in 2002.

Commission Position: Neutral

SB 355 (Escutia)

Description: (Spot bill.) Makes legislative declarations regarding a recent appellate court decision (Aas v. Superior Court, 2000) which held that a developer may not be held liable in negligence for failing to install safety protections (e.g., seismic restraints) unless that defect has caused death, bodily injury, or property damage.

Analysis: The Commission has remained neutral on this bill; staff will monitor.

Status: In Assembly.

SB 709 (Alpert)

Description: Deletes the existing January 1, 2003 deadline for use of leased nonconforming school buildings (certified by a structural engineer as in “substantial compliance” with Field Act). Expands existing exemptions to include leased commercial buildings (with initial construction permit issued on or after January 1, 1976).

Analysis: Current law, (Field Act) requires that all public school buildings meet certain seismic safety standards. An exemption to meeting these Field Act standards is allowed for commercial buildings leased prior to January 1, 2003, if the building was constructed after January 1, 1990, and if a structural engineer has certified that the building is in substantial compliance with the Field Act.

This bill allows school districts to lease or purchase commercial buildings built after January 1, 1976. (Current exemption allows leased buildings built after January 1, 1990.) The bill also requires the State Architect to include requirements for improvements necessary to attain substantial compliance with the Field Act if he/she does not agree with the report from a structural engineer on a commercial building's safety.

The Commission feels strongly about the protections afforded by the Field Act. Consequently, it is concerned about efforts to broaden existing exemptions. Alternatively, the Commission has suggested that local districts consider using alternate facilities that require only minor modifications to comply with the Field Act requirements.

Status: Pending before Assembly Appropriations Committee.

Commission Position: Oppose

SB 842 (Speier)

Description: Allows five-year extensions (to 2013) of existing hospital seismic safety deadlines if the hospital agrees to comply with 2030 requirements by 2013. Also authorizes OSHPD to grant up to five-year extensions on a case-by-case basis so long as the hospital submits a compliance plan that includes specific work progress milestones.

Analysis: As described in the Commission's White Paper (issued in 2001) on the Alquist Hospital Seismic Safety Act, the

Commission is supportive of the measure's extension of the 2008 deadline in exchange for an acceleration of the 2030 deadline to 2013. However, the Commission believes that an extension of the 2008 deadlines on a case-by-case basis is not advisable and should be deleted from the bill.

Status: Assembly Floor (inactive file).

Commission Position: Support, if amended.

SB 928 (Dunn)

Description: States legislative intent to provide public funding (by the issuance of state general obligation bonds) to not-for-profit hospitals to comply with SB 1953 (hospital seismic safety) requirements.

Analysis: The Commission recognizes that this proposal creates financial incentives to encourage compliance with SB 1953 and assists not-for-profit hospitals to meet these requirements. Support for public funding to finance hospital seismic safety improvements was described and recommended in the Commission's 2001 White Paper

Status: Assembly Health Committee.

Commission Position: Support

SB 1350

(McPherson/Burton)

Description: Requires OES to develop specific training dealing with terrorism awareness training and response.

Analysis: See description of SB 27, above

Status: Senate Govt. Organizations Committee

Staff Recommendation: Support

SB 1500 (Johnson)

Description:

Analysis:

Status: Senate Rules Committee

Staff Recommendation:

SB 1629 (Soto)

Description: Requires OES to provide grants to local agencies for training to upgrade the skills of firefighters and emergency personnel funding.

Analysis: (Spot bill.) The intent of the bill is consistent with the Emergency Response Initiatives in the CELRP (10.2 & 10.3).

Status: Senate Rules Committee

Staff Recommendation: Support.

AB 557 (Aroner)

Description: Establishes the Safe Hospitals Bond Act of 2004 and the Safe Hospitals Bond Act of 2006 to authorize the issuance of State general obligation bonds providing financial assistance to hospitals to comply with the SB 1953 deadlines. The bonds would be issued as follows: \$1 billion in 2004 and \$1 billion in 2006.

Analysis: The Commission recognizes that this proposal creates financial incentives to encourage compliance with SB 1953 and assists hospitals to meet these requirements. As was the case for SB 928 above, support for public funding to finance hospital seismic safety improvements was described and recommended in the Commission's 2001 White Paper

Status: Senate Appropriations Committee

Commission Position: Support

AB 940 (Keeley)

Description: Adds two voting members to the California Earthquake Authority Board (one representative from the State Senate and one representative from the State Assembly). Reporting requirements are also changed to include submittals to the Assembly Judiciary Committee and the Joint Legislative Audit Committee.

Analysis: The Commission has remained neutral on this bill but staff will monitor.

Status: Senate Inactive

Commission Position: Watch

AB 1000 (Simitian) *Description:* Allows Community Colleges to enter into a design-build contracts for projects exceeding \$10 million. Includes a 2008 “sunset date.”

Analysis: The Commission believes that, to provide adequate and effective protections to building owners, design-build projects should include provisions for independent plan checks and an independent Inspector of Record

Status: Senate Education

Staff Recommendation: Oppose Unless Amended

AB 1156 (Aroner) *Description:* States legislative intent to establish the Safe Hospitals Bond Act of 2002 to authorize the issuance of State general obligation bonds (unspecified amount) to fund hospital construction for purposes of complying with SB 1953 requirements. Hospitals are required to provide up to 25% matching funds, unless waived by the Legislature.

Analysis: The Commission recognizes that this proposal creates financial incentives to encourage compliance with SB 1953 and assists hospitals to meet these requirements. As was the case for SB 928 above, support for public funding to finance hospital seismic safety improvements was described and recommended in the Commission’s 2001 White Paper

Status: Senate Health and Human Services Committee.

Commission Position: Support

AB 1362 (Wiggins) *Description:* Establishes the California Building Rehabilitation Code Advisory Council to make recommendations on a California building rehabilitation guideline on the re-use and safety of existing buildings. Includes a 2006 “sunset date.”

Analysis:

Status: Senate Rules Committee

Staff Recommendation:

AB 1815 (Frommer) Description: Authorizes the issuance of general obligation bonds ("California Homeland Defense Bonds"), with the proceeds to be used to fund anti-terrorism activities by local firefighting agencies, local police departments, and local emergency services agencies.

Analysis:

Status: Assembly Desk

Staff Recommendation: Support

AB 2035 (Frommer) Description:

Analysis:

Status: Assembly Health

Staff Recommendation:

AB 2046 (Corbett) Description: This bill creates a School Safety Advisory Council to consider issues of school safety and report to the State Dept. of Education and the Legislature. This program ends on Jan. 1, 2004.

Analysis:

Status: Assembly Education Committee

Staff Recommendation:

AB 2201 (Corbett) Description: This bill requires school districts to appoint an emergency manager to develop and manage emergency plans. This would be a state mandated program.

Analysis:

Status: Assembly Education Committee

Staff Recommendation:

AB 2233 (Wright)

Description: This bill, the Firefighting Equipment Bond Act, would authorize the issuance of an unspecified amount of State general obligation bonds for the purpose of financing firefighting equipment.

Analysis:

Status: Assembly G.O. Committee

Staff Recommendation: